

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

PAUL O'MARA and NEAL O'MARA,	)	
	)	
Plaintiffs/	)	
Defendants-in-Counterclaim,	)	
	)	C.A. No: 05-11824-REK
v.	)	
	)	
MARK J. DONNELLY,	)	
SEBAGO PARTNERS, INC, and	)	
UCOMPAREHEALTHCARE, LLC	)	
	)	
Defendants/	)	
Plaintiffs-in-Counterclaim.	)	

**MOTION FOR PRELIMINARY INJUNCTION OF MARK J. DONNELLY,  
SEBAGO PARTNERS, INC., AND UCOMPAREHEALTHCARE, LLC**

Plaintiffs-in-Counterclaim Mark J. Donnelly ("Mr. Donnelly"), Sebago Partners, Inc. ("Sebago"), and UCompareHealthCare, LLC ("UCHC") hereby move this Court for a preliminary injunction against the Defendants-in-Counterclaim Paul and Neal O'Mara (the "O'Maras"). In support of their motion, Plaintiffs-in-Counterclaim respectfully refer this Court to their memorandum of law, submitted herewith.

WHEREFORE, the Plaintiffs-in-Counterclaim respectfully request that this Court grant this motion and enter a preliminary injunction that:

- (a) Orders the O'Maras to immediately transfer and assign all copyrights in the Works and to cooperate and assist in copyrighting any other materials covered under the Detailed Confidentiality Agreement;
- (b) Orders the O'Maras to immediately return to Sebago/UCHC all materials containing the trade secrets and other confidential information of Sebago/UCHC and to refrain from disclosing the contents of such confidential materials to any other persons in compliances with the General and Detailed Confidentiality Agreements.

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

By signing this pleading, I, Tyler E. Chapman, counsel for the moving parties, hereby certify that I conferred with Dale C. Kerester, counsel for Plaintiffs, in a good faith attempt to resolve or narrow the issues raised in this motion. While counsel for the parties endeavored to reach an agreement as to the relief requested under (b), above, they have thus far been unable to do so. While they are hopeful that such an agreement can still be reached and entered as a stipulated order of the Court, the parties have agreed this issue should be presented to the Court in the event they are unable to reach an agreement before Plaintiffs' opposition is due. With respect to the relief requested under (a), above, the parties were unable to narrow or resolve the issues in dispute.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), Plaintiffs-in-Counterclaim hereby request a hearing on their Motion for Preliminary Injunction.

Respectfully submitted,

MARK J. DONNELLY, SEBAGO PARTNERS,  
INC, and UCOMPAREHEALTHCARE, LLC,

By their attorneys,

/s/ TYLER E. CHAPMAN

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December 14, 2005